

Message Text

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ORIGIN ACDA-10

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FM SECSTATE WASHDC

TO AMEMBASSY BONN PRIORITY

INFO USMISSION EC BRUSSELS

USMISSION NATO

USMISSION IAEA VIENNA

AMEMBASSY TOKYO

C O N F I D E N T I A L STATE 212537

LIMDIS NOFORN

E.O. 11652:XGDS-1

TAGS:PARM

SUBJECT: NPT RATIFICATION -- CDU DEPUTIES REQUEST

REFERENCE: BONN 15417

1. WE DO NOT WANT TO BE PUT IN POSIION OF MAKING,
AGREEING TO, OR ENCOURAGING OTHERS TO MAKE, NEW
INTERPRETATIONS OF THE NPT, NOR DO WE WANT TO PROVIDE NEW
INFORMATION CONCERNING OUR INTERPRETATIONS OF 1966-67 TO
THE FRG OR ITS OPPOSITON. WE HAVE REVIEWED THE NEGOTIATING
RECORD OF THESE INTERPRETATIONS AND IN LIGHT OF THAT
RECORD SEE CONSIDERABLE RISKS AND NO POSSIBLE ADVANTAGE IN
INTRODUCTION OF DIFFERENCT INTERPRETATION ON SAME SUBJECT
IN GERMAN RATIFICATION PROCESS.

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2. AS CDU IS CERTAINLY AWARE, WE DEVELOPED OUR INTERPRETATIONS IN CLOSE CONSULTATION WITH FRG AND OTHER ALLIES. FRG WAS APPRISED OF ALL STEPS IN PROCESS AND ASSENTED TO OUR APPROACH.

3. FOR EXAMPLE, ON JANUARY 18, 1967 ACDA DIRECTOR FOSTER TOLD AMBASSADOR KNAPPSTEIN THAT WE HAD DISCUSSED THE EUROPEAN OPTION WITH THE SOVIETS: THAT THEY HAD NOT COMPLAINED ABOUT OUR INTERPRETATION THAT WE COULD NOT

EXPECT THE SOVIETS TO BE ENTHUSIASTIC ABOUT SOME OF OUR INTERPRETATIONS, BUT THAT THEY HAD AGREED THAT THOSE THINGS WHICH WERE NOT PROHIBITED WERE PERMITTED BY THE TREATY. THE FRG SUBSEQUENTLY (FEBRUARY 3) GAVE US AN AIDE-MEMOIRE STATING THAT: "THE AMERICAN AGREEMENT WITH US, AND EVENTUALLY WITH OTHERS, DEFINING THE INTERPRETATIONS WOULD PROBABLY HAVE TO BE OFFICIALLY NOTIFIED TO THE SOVIETS IN ORDER NOT TO GIVE THEM THE POSSIBILITY TO LATER CLAIM THAT THEY HAD INTERPRETED THE TREATY DIFFERENTLY ON THE BASIS OF THEIR BILATERAL NEGOTIATIONS WITH THE AMERICAN SIDE. THEIR CONSENT, HOWEVER, WOULD NOT BE REQUIRED."

4. ON FEBRUARY 22, ACDA DEPUTY DIRECTOR FISHER REMINDED FRG CHARGE VON LILIENTHAL THAT WE DID NOT INTEND TO SEEK COMMENTS FROM THE SOVIETS ON OUR INTERPRETATIONS BUT MERELY TO INFORM THEM THAT WE WERE GIVING THE INTERPRETATIONS TO OUR ALLIES. VON LILIENTHAL REPLIED THAT HIS INSTRUCTIONS FROM BONN WERE THAT IT WOULD BE ENOUGH FOR THE US TO INFORM THE SOVIETS OF OUR INTERPRETATIONS, AND, "IT WOULD NOT BE NECESSARY FOR THEM (SOVIETS) TO PROVIDE AN OFFICIAL EXPRESSION OF CONSENT."

5. THE NEXT DAY AMB MCGHEE HANDED CHANCELLOR KIESINGER OUR INTERPRETATIONS. ON FEBRUARY 25, AMB SCHNIPPENKOETTER AGREED WITH OUR VIEW THAT SILENCE ON THE PART OF THE SOVIETS WOULD BE THE BEST OUTCOME WHEN THEY RECEIVED THE INTERPRETATIONS.

6. IN ACCORDANCE WITH THIS UNDERSTANDING, WE PRESENTED OUR CONFIDENTIAL

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INTERPRETATIONS TO THE SOVIETS. MR. FOSTER GAVE AMB ROSHCIN THE INTERPRETATIONS ON APRIL 28 IN THE FORM OF QUESTIONS AND ANSWERS (IDENTICAL TO THOSE LATER PRESENTED TO THE SENATE), STATING THAT THEY WERE RESPONSES WE HAD GIVEN TO QUESTIONS FROM OUR ALLIES, THAT THEY WERE BASIC TO OUR WILLINGNESS TO PROCEED WITH THE NPT, THAT WE EXPECTED TO MAKE THEM PART OF THE PUBLIC RECORD OF OUR RATIFICATION PROCEEDINGS, AND THAT IF THE SOVIETS SHOULD

TAKE AN OFFICIAL POSITION IN OPPOSITION TO THEM VERY SERIOUS PROBLEMS WOULD ARISE. NEITHER AT THAT TIME NOR THEREAFTER DID SOVIETS DISPUTE THE CORRECTNESS OF THE US INTERPRETATIONS OR OFFER DIFFERENT ONES-

7. THE INTERPRETATIONS WERE MADE A PROMINENT PART OF THE PUBLIC PRESENTATION OF THE NPT TO THE SENATE. THEY WERE INCLUDED VERBATIM IN HE OFFICIAL MESSAGE TRANSMITTING THE TREATY TO THE SENATE AND THEY WERE HIGHLIGHTED

IN SECRETARY RUSK'S TESTIMONY. THERE WAS THEREFORE NO ROOM FOR DOUBT THAT THEY WERE AN ESSENTIAL PART OF THE BASIS ON WHICH THE US WAS PREPARED TO RATIFY THE TREATY. THE SOVIETS JOINED IN RATIFICATION OF THE TREATY WITH FULL KNOWLEDGE OF THE US INTERPRETATIONS, AND THEY ARE IN NO POSITION TO PRESS ANY INTERPRETATIONS INCONSISTENT WITH THESE.

8. DEPARTMENT WISHES TO AVOID ANYTHING THAT MIGHT BE MISINTERPRETED OR EXPLOITED TO EMBARRASS FRG IN COURSE OF RATIFICATION DEBATE. EMBASSY IS AUTHORIZED AT ITS DISCRETION, TO DRAW ON FOREGOING MATERIAL FOR APPROPRIATE ANSWER TO BIRRENBACH AND MERTES. WE LEAVE TO EMBASSY DISCRETION QUESTION OF WHETHER FOREIGN MINISTRY SHOULD ALSO BE GIVEN SUBSTANCE OF FOREGOING. KISSINGER

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